

Franklin Conservation Commission
Minutes of Meeting
May 4, 2017

To: Town Clerk
cc: Members
File

Members Present: B. Batchelor, P. Harrington, T. Henrichon, S. McLean, George Russell, Conservation Agent

Members Not Present: A. Gelineau, J. Livingstone.

Chairman Batchelor announced the meeting would be audio and video recorded.

Mr. George Russell's Agent's Report has been appended to the minutes.

Public Hearing – NOI – 1 Woodland Park - Kirk

Ms. Joyce Hastings of GLM Engineering, Inc., representing Harvey Kirk of 1 Woodland Park, addressed the Commission for the replacement of driveway bridge to provide access to house. She stated that 1 Woodland Park is entirely in the Town of Franklin, but the sole access is through Medway. The driveway stream crossing goes across the Charles River. She filed an NOI to replace the bridge which has started to fail. The bridge was renovated in 1970 and modified in 1990. At this point the ash beams are starting to rot. There are multiple resource areas involved. She described the digging and installation process to replace the bridge. It will take two to three weeks to complete this project; the owner will not have access to his home during this time except via canoe. They need to do a Chapter 91 license with DEP; this bridge is considered a water-dependent structure. She stated she met with the Conservation Commission from Medway last week and hopes to complete the process with them next week.

Mr. Russell stated the DEP number has been received. The Medway agent, applicant's engineer, and Mr. Russell visited the site and discussed impacts/issues. He is pleased the applicant decided not to put support structures back into the waterway. He stated, as noted in his Agent's Report, that he has three additional special conditions concerning those structures.

Ms. Hastings stated she was aware of the conditions. In response to a question, she stated the bridge will be constructed in place, not off-site. Steel I-beams will support it; the decking will remain wood.

Mr. Russell stated that during the site visit two trees adjacent to the bank and the bridge support were discussed. One tree is on the Franklin side, the other on the Medway side. They will both be removed.

There was a motion made by Scott McLean to close the public hearing for the NOI for 1 Woodland Park. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to approve the NOI for 1 Woodland Park with stipulations #20, 22-30, 34, 35 and 44, plus additional stipulations:

- The Conservation Agent must be notified at least 24 hours prior to the time the “in river” bridge support structures are to be removed;
- Within 5 days after the removal of the bridge support structures in the river, the Commission must receive photographic evidence to document pre and post removal conditions;
- Any additional impact to the land under the river over and above that which was originally approved with this NOI shall require the applicant to submit an amendment to the NOI detailing the additional work and impact. This amendment can and should include any other work not approved and must be submitted no later than 30 days after the bridge supports have been removed.

The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Public Hearing – RDA – Vegetation Management Plan – Town of Franklin

Mr. Jay Mello, Assistant Town Engineer, addressed the Commission for vegetation management plan at select areas city-wide where needed. He stated this vegetation management plan is brought to the Commission every year; every five years a more thorough report is required which is included this time. He stated this is only related to the right-of-way such as sidewalks and roads. He summarized that a person will walk around with the lowest possible strength application of Roundup in a sprayer backpack. If weeds are seen growing through the cracks, the weeds will be sprayed in order to maintain the sidewalks. If a homeowner does not want the weeds sprayed in front of their house, the weeds will not be sprayed. He noted this is spot treatment and done every year.

Mr. Russell stated this is a repetitive application necessary to maintain the infrastructure of the Town.

There was a motion made by Scott McLean to close the public hearing for the RDA for the Vegetation Management Plan. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean for a negative determination for the RDA for the Vegetation Management Plan. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Public Hearing – Amendment – 5 Kenwood Circle – RCG Kenwood LLC

Mr. Peter Bemis of Engineering Design Consultants on behalf of the applicant addressed the Commission for the construction of new building entrance and parking lot. He stated he was before the Commission two weeks ago and provided a brief overview. He stated they have an Order of Conditions already for improvements at the site, many of which were voluntary in order to bring site into compliance for better stormwater management. He stated the ownership decided to bring the corporate headquarters to this facility. Therefore, they need to put a parking lot in the front portion of the building. He discussed the stormwater management plan; all stormwater will be treated prior to discharge to the detention basin. He stated BETA completed the peer review and he received a copy of the report today. There are no open items; everything is done. He is seeking an amendment to the existing Order.

Mr. Russell stated peer review was completed and the applicant addressed the peer review and changes requested by staff with amended plans. He recommended approval with all original stipulations to remain plus the addition of stipulation #35.

Mr. Bemis stated he had no problem with the additional stipulation.

There was a motion made by Scott McLean to close the public hearing for the Amendment for 5 Kenwood Circle. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to approve the Amendment for 5 Kenwood Circle NOI with all original stipulations remaining and the addition of stipulation #35. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

Public Hearing – NOI – 115, 119, 125, 129 Dean Avenue – Fairfield Residential

Mr. Russell stated the completed peer review has not been received. He received a request from the applicant to extend the hearing; he recommended extending to May 18, 2017.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 115, 119, 125, 129 Dean Avenue to May 18, 2017 at 7:30 PM. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activity: 800 Washington Street

Mr. Joseph O’Koren, applicant, addressed the Commission to install a fence in his yard for his dog so it will not run into Washington Street. The fence would come up to the resource area and the bank.

Chairman Batchelor stated that if the fence is approved, it cannot intrude into the resource area. If the peak is breached, an NOI is needed.

Mr. Russell confirmed that the fence cannot go into the bank which is the area that starts to go down. He stated that it is his opinion that if there is any impact on the resource area, the Commission must require an NOI. A minor buffer zone activity is strictly buffer zone.

Commission members discussed installing the fence as an enclosure in the yard so this will remain an MBZA.

Mr. O’Koren stated that would be acceptable.

Mr. Russell stated, if approved, he will document this requirement in the MBZA approval cover letter.

There was a motion made by Scott McLean to approve the MBZA for 800 Washington Street with the stipulation that the fence will be enclosed within the yard, and the Commission is allowing the applicant to build a fence up to and including the entire yard as long as it stays within lawn and not on the bank as will be stipulated in the approval letter. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

Minor Buffer Zone Activity: 3 Blueberry Lane

Mr. Keith Garosshen, homeowner, addressed the Commission regarding a pine tree in his front yard that was taken down. He stated he was notified via mail that the tree was in the minor buffer zone which he was not aware of. The tree stump was not removed.

Mr. Russell stated he observed the tree and the vehicles at location to remove the tree. He generated a letter to the property owner. The property owner was very responsive and filed the MBZA. The resource area is a 200-ft. riverfront across the street. There is no erosion, no problem; it is an after-the-fact permit.

There was a motion made by Scott McLean to approve the MBZA for 3 Blueberry Lane. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Minor Buffer Zone Activity: 6 Chilmark Road

Mr. Nicholas Garland, homeowner, addressed the Commission to fill in some low spots in the yard that fill with water to create a more level surface. He stated the landscaper indicated it would require approximately 20 yds. of clean topsoil fill.

Mr. Russell stated the water will continue to drain to the wetlands even after the low spots are filled. He stated he sees no impact to the resource area; therefore, he recommended the permit be approved. He stated the greater issue is for health and safety if the water starts getting in the homeowner's basement.

Mr. Garland stated his basement was 2 ½ ft. above grade.

There was a motion made by Scott McLean to approve the MBZA for 6 Chilmark Road. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

Permit Modification: 74 Elm Street

Ms. Jane DeLuca, homeowner, addressed the Commission to extend the addition to the house approximately 10 ft. from the original approval. The extension will be no closer to the wetlands. It will be built on sonotubes, not a pad.

Mr. Russell stated the applicant is here to determine if she needs a new NOI or an amendment to the existing NOI.

There was a motion made by Scott McLean that it is the Commission's position that the new work at 74 Elm Street falls to the level of an amendment to the existing NOI and not to a new NOI. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Mr. Russell stated the applicant would be at the public hearing scheduled for May 18, 2017 at 7:15 PM. He reminded her to bring the green cards to the hearing.

Certificate of Compliance: 656 King Street

Mr. Russell stated there are two issues. The first is the release of Conditions for the work that was done on Basin #1. In terms of the NOI, they have met all the criteria.

There was a motion made by Scott McLean to release the certificate of compliance for 656 King Street only for the NOI for the work that was done to Basin #1. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Mr. Russell noted that the work that was authorized by the NOI was completed according to the NOI; thus, the release should be granted. There is a problem in terms of the Town's stormwater bylaw with the basins on that site. But, that is the DPW's jurisdiction.

Certificate of Compliance: Release of Bond, 656 King Street

Mr. Russell stated that under stipulation of approval #50, the applicant had to put up a \$20,000 bond to ensure that the required mitigation for the project was successful for three growing seasons. The Commission has released \$10,000 of the \$20,000 bond which was done after the second growing season. The third growing season report has come in. The report indicated from the wetland scientist as required that the mitigation is successful for three growing seasons. Therefore, the applicant has requested the release of the final \$10,000 of the bond.

Chairman Batchelor confirmed that Mr. Russell recommended the money to be released.

There was a motion made by Scott McLean to release the bond for 656 King Street in connection with stipulation #50 of the original Order of Conditions with the understanding that the three year criteria of the stipulation has been met. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

Minutes:

There was a motion made by Scott McLean to approve the meeting minutes for April 6, 2017. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

Discussion Item: Maple Preserve

Mr. Russell stated it was brought to his attention by Ms. Henrichon that she heard peepers on the location of Maple Preserve in an area that could be a vernal pool. The question for the Commission is that in order to determine if it is a vernal pool, a wetland scientist is needed to go out and look at it to do some observations and monitoring. He stated he has a quote from a wetland scientist of approximately \$800 to do this. That would be legitimate payment out of the wetlands filing fee account should the Commission decide that they want this investigated. The pro of having them look at it is to determine if it is actually a vernal pool; if so, it would become a resource area. The negative is that it could negatively impact the development that has been approved there as now there could be an additional resource area. But, at the time of the approval, the resource area had not been determined.

Commission members and Mr. Russell discussed vernal pools. Authentication would have to be submitted to the State for approval.

Mr. Russell stated it would be money well spent to protect the breeding areas of the vernal pool. And, this is a good time of year to check it out.

There was a motion made by Tara Henrichon to authorize \$800 to WSI to evaluate whether the property on Maple Street is an active vernal pool. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Discussion Item: DelCarte

Mr. Russell stated the contract for the study of the beaver issue has been signed. The work has started. The preliminary report from ESS is that there are many beavers out there. In addition, he heard back from Mass Audubon and the information requested by the Commission was received. He has asked the Town's procurement officer to start getting the contract in place. Also, he checked with the firm that is going to do the invasive species herbicide treatment; they have filed a permit with DEP. They have not received the official approval yet. They are going to authorize the sub-consultant to do the pre-treatment survey. They want to see what is there now so after they put down the herbicide they can see what has been eradicated. They will notify Mr. Russell of the days they are going to do the treatment, as well as put up signage. Mr. Russell said information will also be put on the website and social media site as to the days of treatment. He estimates about two weeks out from getting the DEP permit. He noted that on the treatment day cannot use the water; the treatment timeline and information is on the website.

Chairman Batchelor noted the terrific job Ms. Henrichon did regarding the DelCarte cleanup day. Last Saturday he was amazed at the turnout.

Ms. Henrichon stated it was a good turnout and people seemed happy to be part of the cleanup. Thirty-eight bags of trash were collected. The volunteers worked very hard. She mentioned that as part of the larger Town cleanup, trash bags were provided to everyone; the bags were a different color and branded.

Chairman Batchelor requested that said trash bags be provided for the DelCarte cleanup next year as it would further impress the townspeople that we are serious about keeping the area free of debris.

Mr. Russell stated he would see what he could find out about who supplied the bags.

Chairman Batchelor stated that he read that the playground will open at the end of next week.

Signed Minor Buffer Zone Activities, Orders of Conditions, Determination of Applicability & Certificate of Compliance

Certificate of Compliance – 656 King Street – Wegman Companies – CE159-1144

Minor Buffer Zone Activity – 800 Washington Street – OKoren

Minor Buffer Zone Activity – 6 Chilmark Road – Garland

Minor Buffer Zone Activity – 3 Blueberry Lane Garosshen

Amended Orders of Conditions – 5 Kenwood Circle – RCG Kenwood – CE159-1114

Orders of Conditions – 1 Woodland Park – Kirk – CE159-1157

Determination of Applicability (Negative) Vegetation Mgmt. Plan – Town of Franklin

There was a motion made by Scott McLean to adjourn the meeting. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

The meeting adjourned at 8:23 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary